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FLOOR DEBATE

March 13, 2002 LB 435

regarding lease renewal terms of railroad property owners fails, they could petition the Iowa Department of Transportation to hear and determine the matter in controversy and make such order...and then to make such order as the facts warrant. Senator Chambers posed the equal protection question to me on Select File. He notes that the bill only offers its protections to agricultural tenants and not to other types of businesses that might be located on railroad property. He suggested, since the bill does not give the same opportunities to all tenants on railroad property, it violates the equal protection clause. I think the real question here is whether the classification of agricultural tenants is arbitrary and whether it is related to the stated interests of the legislation. According to the Attorney General's Opinion, the equal protection clause does not require the Legislature to eliminate all evils in order to legislate against some. It is perhaps not surprising that it is ag tenants, as defined by this bill, that are most interested in seeking the protection of the legislation. These are the businesses that are most reliant on rail service, have most traditionally located on railroad land, have the most investments in structures and other fixtures that are not easily moved, and have the fewest alternatives should the railroad landowners prove to be unreasonable. You don't just move your business to the other two or three vacant elevators in town if you can't reach a fair settlement on renewing a lease. Senator Chambers raised a legitimate concern and I do thank him for the opportunity to initiate and create a legislative record on that question. With that, I'd like to withdraw the motion...the amendment, Senator...Mr. Speaker.

SPEAKER KRISTENSEN: It is withdrawn. Members, would you please return to your seats for Final Reading. Mr. Clerk, LB 435.

CLERK: (Read LB 435 on Final Reading.)

SPEAKER KRISTENSEN: All provisions of law relative to procedure having been complied with, the question is, shall LB 435 pass? All those in favor vote aye; all those opposed vote nay. Record.

CLERK: (Record vote read, Legislative Journal page 952.)